



**VERTEX PHARMACEUTICALS INCORPORATED**  
130 Waverly Street  
Cambridge, MA 02139-4242  
Tel. 617.444.6100 Fax 617.444.6680  
www.vrtx.com

**FAX**

To	Examiner Ram R. Shukla
Company	USPTO
FAX	(703) 872-9306
From	Andrea Robidoux
Date	August 28, 2003
Subject	Application No. 09/922,584 Attorney Docket No. VPI/00-115 CIP US
Total Pages	6

**FAX RECEIVED**  
AUG 28 2003  
GROUP 1600


**OFFICIAL**

**Message or Comment**

In response to the Office Action dated August 7, 2003, attached is a response relating to the above-identified application.

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to the United States Patent and Trademark Office, Facsimile Number: (703) 872-9306 on this 28<sup>th</sup> day of August 2003.

  
Karen DiRocco

If any problems occur with this fax transmittal, please call (617) 444-6731 immediately.

**FAX Number (617) 444-6483 Legal Department**

**CONFIDENTIALITY NOTICE**

The information and the documents transmitted by this telecopy are privileged and contain confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original to us without making a copy.

VPI/00-115 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:	Ram R. Shukla
Group Art Unit:	1632
Applicant:	Keisuke Kuida, et al.
Serial No.:	09/922,584
Filing Date:	August 3, 2001
For:	ERK-5 DEFICIENT ANIMALS AND METHODS OF INHIBITING ANGIOGENESIS THROUGH THE INHIBITION OF ERK-5

**FAX RECEIVED**  
**AUG 28 2003**  
**GROUP 1600**

Cambridge, Massachusetts  
August 28, 2003

Commissioner For Patents  
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Dear Examiner Shukla:

This is in response to the Restriction Requirement dated August 7, 2003 relating to the above-identified application.

**OFFICIAL**

### INTRODUCTORY MATTER

The Examiner has restricted originally filed claims 1-21 of the above-identified application into the following 6 groups:

- Group I. Claims 1-12, drawn to a transgenic non-human mammal whose genome is heterozygous for a mutant ERK-5 gene and cells thereof;
- Group II. Claims 13-15, drawn to a method or treating angiogenesis by administering an antibody to ERK-5 protein;
- Group III. Claims 13-15, drawn to a method or treating angiogenesis by administering an oligonucleotide that prevents expression of ERK-5 protein;
- Group IV. Claims 13-15, drawn to a method or treating angiogenesis by administering a small molecule inhibitor of ERK-5 protein;
- Group V. Claims 16-19, drawn to a method or treating angiogenesis by administering a chemical entity that increases expression of ERK-5 protein; and
- Group VI. Claims 20-21, drawn to a method or treating angiogenesis by administering a combination of compounds.

Applicants elect the invention of Group VI (claims 20-21), without traverse, for further prosecution in this application. In light of this election, applicants cancel claims 1-19 relating to non-elected subject matter. The cancellation of these claims is without prejudice to Applicants' ability to file and obtain patent protection for claims directed to this cancelled subject matter in applications claiming priority to the present application under 35 U.S.C. § 120.

For further prosecution of elected Group VI, please amend the application as follows: